

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YUAN HUI WU,
Plaintiff,
v.
TIMOTHY AIKEN, ET AL.,
Defendants.

Case No. 14-cv-01062-YGR

**ORDER DISMISSING ACTION FOR FAILURE
TO PROSECUTE**

Petitioner filed the instant Petition for Writ of Habeas Corpus on March 6, 2014. (Dkt. No. 1.) In June 2014, the Court issued an Order setting a compliance hearing regarding Petitioner's intention to prosecute his case. In that Order, the Court specified that Petitioner was to provide a brief statement concerning whether Defendants have been served with the petition, whether Petitioner had received an individualized bond hearing, and whether Petitioner intended to prosecute this action. (Dkt. No. 4.) A hearing regarding the same was set for Friday, July 11, 2014. Petitioner, through his counsel, did not appear for the hearing, nor did Petitioner file a statement. (Dkt. No. 5.)


On October 3, 2014, the Court issued an Order to Show Cause why this action should not be dismissed for failure to prosecute and comply with its prior Order (Dkt. No. 4). (Dkt. No. 6.) The Court further set a compliance hearing for October 31, 2014. Five days prior to the hearing, Plaintiff was to provide a statement of his intent to prosecute this action, or a statement of his failure to comply. Plaintiff has filed no statement to date, nor did Plaintiff appear for the October 31, 2014 compliance hearing.

Pursuant to Federal Rule of Civil Procedure 41(b), a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order. *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). Accordingly,

pursuant to Federal Rule of Civil Procedure 41, this action is **DISMISSED WITHOUT PREJUDICE**
for failure to prosecute.

IT IS SO ORDERED.

Dated: November 3, 2014



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT

United States District Court
Northern District of California